

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 08-10202-RWZ

JAMES J. STOVICH

v.

WOODS HOLE, MARTHA'S VINEYARD AND
NANTUCKET STEAMSHIP AUTHORITY

ORDER

June 23, 2010

ZOBEL, D.J.

Defendant, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, has moved, pursuant to Fed. R. Civ. P. 37, for dismissal of plaintiff James J. Stovich's claim for maintenance and cure. (Docket # 35.) Defendant asserts that "plaintiff has failed to produce any facts or documentation with respect to his claims for Maintenance and Cure." (Def.'s Mem. 1, Docket # 36.) Plaintiff insists that counsel for defendant has "on several occasions throughout this litigation ... been provided copies of medical bills [and] medical records" and that plaintiff "has identified un-reimbursed medical costs, has identified all medical providers and has provided the Defendant with authorizations signed by the Plaintiff authorizing the release of copies of both his medical records and medical bills." (Pl.'s Opp., Docket # 38.)

The court on April 28, 2010, ordered plaintiff to "inform defendant by May 17, 2010, of the amounts and details of his claim [for maintenance and cure]" (Pretrial Order 2, Docket # 32). Plaintiff has yet to inform defendant of the details of the claim,

including, in particular, “any additional out of pocket medical expenses other than those previously set forth” and “whether the Defendant’s health plan would press their (sic) right of re-imbursement.” (Pl.’s Opp. 5.) Defendant is entitled to this information.

The motion to dismiss is allowed effective June 30, 2010, if plaintiff has by that date failed to comply with the court’s April 28, 2010, pretrial order.

June 23, 2010

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE